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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/265,489	03/09/1999	SASHIKANTH CHANDRASEKARAN	237/116	4574

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BINGHAM, MCCUTCHEN LLP
THREE EMBARCADERO, SUITE 1800
SAN FRANCISCO, CA 94111-4067

EXAMINER

TO, BAOQUOC N

ART UNIT PAPER NUMBER

2172

DATE MAILED: 03/23/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/265,489

Applicant(s)

SASHIKANTH
CHANDRASEKARAN

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-44 are pending in this application.

Response to Arguments

2. Applicant's arguments filed 01/07/04 have been fully considered but they are not persuasive.

As to the argument of claim 1.

In response to applicant's arguments, the recitation "information records to be accessed by said multiple consumers in a specified order" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

The applicant argues "Chandra does not disclose, teach or suggest updating a history table comprising one or more history records where the updating comprises setting a message state field in history record corresponding to a consumer to indicate the consumer accessed what data."

The examiner respectfully disagrees with the above argument. As Chandra suggests "the dictionary table is updated reflect the new queue table or the existing table found in the system" (col. 31, lines 54-56). This suggests updating the tables from the exiting table wherein the existing table is the history table. In addition, Chandra also

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suggests "the system stores information about the history of each message, including the time of enqueueing and dequeuing, and the identity of the transaction that carried out the enqueueing and dequeuing" (col. 10, lines 30-34). Each queue is the record that containing the information about the user who access the record. Further more, Chandra also suggests "MGS_STATE wherein the state of the message (READY to be processed, DELAYED)" (col. 7, lines 22-23).

Claims 2-12 are depended on claim 1, which rejected under the same reason.

As to argument of claim 13.

The applicant argues "system for delivery of information to multiple consumers"

In response to applicant's arguments, the recitation "system for delivery of information to multiple consumers" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claims 14-20 and 27 depend on claim 27, which also reject under the same reason as claim 13.

As to the argument on claim 21.

The applicant argues "while Chandra does disclose maintaining a message even after it is dequeued, in order to maintain a history of what has been done (col. 19, lines

28-30), retaining a message to maintain a history of what has been done does not disclose, teach or suggest a "history table comprising one or more history records, each of said one or more history records comprising a message identification, a consumer identification and a message state identification."

The examiner respectfully disagrees with the above argument. As Chandra suggests in the in the retention and Message History, the system stored information about the history of each message, including the time of enqueueing and dequeuing, the identity of the transaction that carried out enqueueing or dequeuing (col. 10, line 27-36). This suggests the history of message is the history of record, identity of the transaction is the message identification. In addition, the enqueue parameters are correlation of identifier, the correlation identifier is a value that identifies a message to a user of the system" (col. 13, lines 1-36). This is the message identifier. Furthermore, Chandra suggests "state parameters specifies of the state of the message at the time of the dequeue operation. Its value cannot be set at enqueue time. Valid values are WATITING, READY, PROCEED, and EXPIRED" (col. 15, lines 23-34). These values are the message state identifiers.

Claim 22 is rejected under the same reason as claim 21.

As to argument of claim 23.

The applicant argues that "Chandra does not disclose, teach or suggest a method comprising in a second location that said first consumer has accessed said first piece of information and indicating in a third location that said second consumer has accessed said first piece of information."

The examiner respectfully disagrees with the above argument. Chandra suggests it is preferable for the Queue table to maintain a reference count of the applications that have a pointer to a particular message from the index, that is, applications for which message is within the current view....When the reference count reached zero, the message is either deleted or archived" (col. 20, lines 41-49). This suggests that the second application access the message according to the pointer wherein the pointer is the reference location of the message wherein the reference pointer is also the third location for the second application to be accessed.

Claims 24-26 and 28-30 are rejected under the same reason as claim 23.

Claim 31 is rejected under the same reason as claim 23.

Claim 32 is rejected under the same reason as claim 38 and 39-44.

Please see the rejection for all claims dated on 10/09/03.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at (703) 305-9790.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.


The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).

Baoquoc N. To
March 18, 2004



JEAN M. CORRIELUS
PRIMARY EXAMINER